

## Question of the Month

**Q** Some of my physicians want more than my say so on various compliance issues. Where can I get some written documentation that will carry more legitimacy. The OIG Guidance is less than clear at times. I am looking for something specific on discounts & refunds in particular.



**A** The OIG Guidance fairly clearly addresses copays, co-insurance, and discounts when insurance is involved, but it doesn't appear to directly address cash discounts for private pay patients. In addition, it uses the words "may not" rather than "shall not"; which leaves the door open for the physicians to question exactly what they can and cannot do.

I have also found that Medicare Law, unfortunately, is very vague at times. As a rule, my general response to situations like you have described is to:

- Inform the client that it is our duty to keep them compliant.
- Inform the client of our billing policy relating to the particular situation.
- Offer to research the issue on the client's behalf (but continue to bill according to our existing policy until sufficient justification for a change has been gathered).

I would try the following research:

- Hit the HBMA list-serve with a hypothetical compliance situation and ask for input.
- If involved in a specialty list-serve, I would hit that with the same hypothetical situation.
- Check the OIG Web site, <http://oig.hhs.gov>, for any advisory opinions on the matter.
- Attempt to get a summary legal opinion from a compliance lawyer recognized as an expert in your specialty.
- Find out if the specialty College has an opinion on the matter.
- Consider writing Medicare for an opinion if the situation warranted it.

I always try to "de-personalize" interpretation of Medicare Law. I stand behind our interpretation and related billing policy but am prepared and willing to change if there are legal grounds to do so. ◆

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## Calendar of Events

Watch for listings of additional Regional meetings as they are scheduled throughout the year.

- ▶ February 6-8, 2003:  
HBMA Owners & Managers Conference  
San Diego, CA  
SOLD OUT
- ▶ February 18-18, 2003:  
HBMA Southeast Regional Meeting-  
Orlando, FL
- ▶ March 7-7, 2003:  
HBMA Midwest Regional Meeting  
Denver, CO
- ▶ April 10-12, 2003:  
HBMA Spring Conference  
Las Vegas, NV: Caesars Palace
- ▶ April 10-12, 2003:  
HBMA Annual Spring Conference  
Las Vegas, NV-Caesars Palace
- ▶ June 18-20, 2003:  
HBMA Compliance Course for Third  
Party Medical Billing Companies  
Baltimore, MD
- ▶ July 10-12, 2003:  
HBMA Owners & Managers Conference  
Toronto, Canada
- ▶ September 11-13, 2003  
HBMA Fall Educational Conference  
Philadelphia, PA